

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

GARY DAVIS <i>et al.</i> ,)	
)	
Plaintiffs,)	CIVIL ACTION NO.
)	
v.)	1:24-cv-02409-MLB-JKL
)	
GENERAL MILLS OPERATIONS, LLC,)	
)	
Defendant.)	

DEFENDANT'S MOTION TO DISMISS LAWSUIT

Defendant General Mills Operations LLC (“General Mills”) moves to dismiss Plaintiffs’ entire lawsuit with prejudice. Plaintiffs’ lawsuit commenced with their Class Action Race Discrimination Complaint (the “Complaint”), (ECF No. 1), weaving a tale of a racially hostile work environment at General Mills’ Covington, Georgia, facility through over 190 conclusory and scattershot allegations, many predating the statute of limitations by twenty-five years or more. Plaintiffs subsequently filed their First Amended Class Action Race Discrimination Complaint (the “Amended Complaint”), (ECF No. 11), alleging over 260 more conclusory, scattershot, and otherwise time-barred allegations of discrimination at the Covington location.

General Mills has never condoned a racially hostile work environment and denies that its Covington location (or any other General Mills location) tolerates

discrimination or harassment. General Mills has policies and procedures in place committed not only to preventing and addressing discrimination and harassment but also to fostering diversity, inclusion, and belonging. General Mills nevertheless acknowledges on a motion to dismiss, the Court must accept the factual allegations as true, no matter how far-fetched. Even under that standard, however, Plaintiffs' lawsuit is deficient on a number of grounds, all of which require dismissal.

As an initial matter, Plaintiffs' Amended Complaint lacks fundamental components necessary to pursue a lawsuit in federal court. It alleges no facts establishing that the Court has subject matter jurisdiction to hear and decide this case or personal jurisdiction to adjudicate the rights and liabilities of General Mills. It does not contain a statement of the claims or a demand for relief, as required by Federal Rule of Civil Procedure 8(a). Accordingly, General Mills moves to dismiss Plaintiffs' Amended Complaint for lack of subject matter jurisdiction (under Federal Rule of Civil Procedure 12(b)(1)), lack of personal jurisdiction (under Federal Rule of Civil Procedure 12(b)(2)), and failure to state any claim for relief (under Federal Rule of Civil Procedure 12(b)(6)).

While Plaintiffs' Amended Complaint is the operative complaint and supersedes Plaintiffs' Complaint, General Mills' motion to dismiss encompasses both complaints out of an abundance of caution. To that end, were the Court to consider Plaintiffs' Amended Complaint together with Plaintiffs' Complaint,

Plaintiffs still cannot state a claim for any of the counts alleged (only) in their Complaint: race discrimination in violation of § 1981 (Count One), racketeering under federal or Georgia law (Counts Two and Three), or nuisance (Count Four). Each count should be dismissed under Rule 12(b)(6).

Plaintiffs' class action allegations (again, alleged only in their Complaint) must likewise be dismissed under Rule 12(b)(6) because (i) Plaintiffs' class allegations fail to provide notice of the claims on which Plaintiffs are seeking class treatment as required by Rule 8(a)(2); (ii) even if they provided notice, Plaintiffs cannot sustain class allegations on substantive claims due to be dismissed; and (iii) Plaintiffs fail to properly allege facts sufficient to establish a class under any section of Federal Rule of Civil Procedure 23.

Accordingly, Plaintiffs' entire lawsuit should be dismissed with prejudice. In support of its motion, General Mills contemporaneously submits a brief in support.

Respectfully submitted this 24th day of September 2024.

Allegra J. Lawrence

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